

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GLEND A GONZALEZ

vs.

LOWE'S HOME CENTERS, LLC
LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC.
LOWE'S STORE NO. 2732

CIVIL ACTION

NO.

NOTICE OF REMOVAL

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA:

Defendants, LOWE'S HOME CENTERS, LLC and LOWE'S COMPANIES, INC. and LOWE'S HOME CENTERS, INC. and LOWE'S STORE NO. 2732 (hereinafter collectively referred to as "Moving Defendants"), by and through their attorneys, MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, hereby removes the above-captioned case to this Honorable Court and provides notice of same to Counsel representing Plaintiff. In support of this Notice of Removal, the Defendants aver as follows:

1. On or about April 30, 2020, Plaintiff filed a Complaint in the Court of Common Pleas of Philadelphia County against Moving Defendants. See a copy of the Complaint attached hereto and marked as Exhibit "A."
2. Moving Defendants were served on May 1, 2020.
3. Counsel for Moving Defendants were assigned the defense of this file on June 1, 2020.
4. On June 2, 2020, Defendant filed an Answer to Plaintiff's Complaint. See Exhibit "B".

5. On September 14, 2020, Plaintiff submitted a demand package to Defendant with medical documents and a demand of \$400,000. See Exhibit “C”.

6. On September 14, 2020, Defendant became aware as a result of an “other paper” that the case had a potential value in excess of the jurisdictional limits and therefore, the case had become removable.

7. As provided by 28 U.S.C. §1446 (b)(3), the instant Notice is being filed on September 30, 2020. Thus, the instant Notice of Removal is timely filed.

8. In the Complaint, Plaintiff avers that she is domiciled at her Philadelphia, Pennsylvania address listed in the Complaint and, thus, she is a citizen of Pennsylvania. See Exhibit “A”.

9. Defendant Lowe’s Home Centers, LLC is a limited liability company registered in North Carolina. See Exhibit “D”, a true and correct copy of the declaration of William Ellison.

10. It is well established law that a limited liability company’s citizenship for diversity purposes is defined by the citizenship of its members. Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 420 (3d Cir. 2010).

11. Lowe’s Home Centers, LLC’s sole member is Lowe’s Companies, Inc. See Exhibit “D”

12. Lowe’s Companies, Inc. is a North Carolina corporation. See Exhibit “D”.

13. Lowe’s Companies, Inc.’s registered office for service is 327 Hillsborough Street, Raleigh, North Carolina. See Exhibit “D”.

14. Lowe’s Companies, Inc.’s principal place of business is 1000 Lowe’s Boulevard NB4TA, Mooresville, North Carolina. See Exhibit “D”.

15. Therefore, for the purposes of diversity jurisdiction, Defendant adopts the citizenship of its single member, rendering it a citizen of North Carolina.

16. Plaintiff is a citizen of Pennsylvania and Moving Defendants are citizens of North Carolina, both at the time of the filing of the Complaint, continuing to and including the time of the filing of this Notice of Removal.

17. Thus, there exists diversity of citizenship for this Court to have jurisdiction over this matter.

18. In the Complaint, Plaintiff seeks damages and filed the Complaint as an Arbitration with limits of \$50,000.00. See Exhibit "A."

19. Plaintiff specifically alleges that on May 12, 2018, she was injured at the Lowe's sustaining a traumatic brain injury, headaches, and injuries to her right hip, knee, femur, ankle, shoulder and right arm. See Exhibit "A".

20. Plaintiff alleges in her September 14, 2020 demand package that she sustained serious and permanent injuries from which she continues to experience pain and restriction. She made a demand of \$400,000 for settlement. See Exhibit "C".

21. Based on the allegations in Plaintiff's Complaint combined with the newly received demand package, the amount in controversy is certainly alleged to be in excess of \$75,000.00. See Exhibit "C."

22. As such, the above-captioned civil action is one of which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code §1332, based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is alleged to be in excess of \$75,000.00, and it is accordingly one which may

be removed to this Honorable Court by Notice pursuant to Title 28 United States Code §1441.

WHEREFORE, Moving Defendants respectfully request that the above action now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania be removed to this Honorable Court.

MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP

BY: /s/ David S. Cohen

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